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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,009	08/09/2001	Victor V. Verbinski	SAIC0055-C-CIP-C	5406

27510 7590 09/26/2003

KILPATRICK STOCKTON LLP  
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WASHINGTON, DC 20005

EXAMINER
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GAGLIARDI, ALBERT J

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/925,009

Applicant(s)

VERBINSKI ET AL.

Examiner

Albert J. Gagliardi

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group II (claims 6-11) in Paper No. 10 is acknowledged.

Claims 1-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

### *Specification*

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 2878

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sones (4,817,123).

Regarding claim 6, *Sones* discloses (Figs. 1, 5-8) a linear detector array for a target inspection system comprising: a plurality of vertical rows (16, 18, etc.) of staggered detectors, each of the plurality of rows being vertically staggered from each other vertical row such that a pitch between any two closest adjacent detectors is smaller than a length of the staggered detectors (see generally Figs. 5-6; col. 10, lines 1-9). The examiner notes that while *Sones* suggests the use of square detectors, as opposed to circular detectors (which have a diameter) so as to allow for obtaining maximum radiation sensitive surface area (col. 8, lines 48-54), the use of either square or circular detectors is viewed as a matter functionally equivalent alternative design choice within the skill of a person of ordinary skill in the art.

Regarding claim 7, *Sones* further discloses a processor comprising an image-generating program, the processor receiving data from each one of the vertical rows of detectors (col. 7, lines 28-39); the image generating program further including an adjustment means for determining an adjustment for a horizontal displacement of the one or more vertical rows and wherein the adjustment is used to correlate the data from the side rows with data from the other rows so as to form undistorted images for multiple planes within the target (see generally col. 9, line 24 to col. 14, line 15). The examiner notes that while in the system discloses by *Sones*, the array does not necessarily identify one of the rows as a "center" row and the other rows as "side" rows, the particular relative designation of the rows in space is viewed as a matter of routine

Art Unit: 2878

design choice within the skill of a person of ordinary skill in the art depending on the needs of the particular application.

Regarding claim 8, *Sones* further discloses that the adjustment means further includes a computing means for determining an image adjustment distance for multiple planes with the target (see generally col. 9, line 24 to col. 14, line 15).

Regarding claims 9-11, the method recited according to the claims is suggested by the apparatus as suggested by *Sones* as applied to claims 6-8 above and is rejected accordingly.

***Alternative Claim Rejections - 35 USC § 103***

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (4,047,036).

Regarding claim 6, *Smith* discloses (Figs. 1, 6) a linear detector array comprising: a plurality of rows of staggered detectors (20), each of the plurality of rows being staggered from each other vertical row such that a pitch between any two closest adjacent detectors is smaller than a diameter of the staggered detectors (see generally Fig. 6; col. 8, lines 7-11). The examiner notes that while in the system discloses by *Smith*, the array is not necessarily oriented as a “vertical” array, the particular orientation of the array in space is viewed as a matter of routine design choice within the skill of a person of ordinary skill in the art depending on the needs of the particular application.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

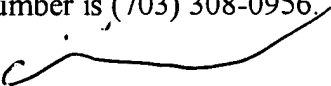
Art Unit: 2878

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert J. Gagliardi whose telephone number is (703) 305-0417.

The examiner can normally be reached on Monday thru Friday from 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (703) 308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Albert J. Gagliardi  
Examiner  
Art Unit 2878

AJG